

Senate Chamber, Atlanta, Georgia
Thursday, February 3, 2005
Twelfth Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Balfour of the 9th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bill of the House:

HB 95. By Representatives Willard of the 49th and Oliver of the 83rd:

A BILL to be entitled an Act to amend the O.C.G.A., so as to correct typographical, stylistic, capitalization, punctuation, and other errors and omissions in the Official Code of Georgia Annotated and in Acts of the General Assembly amending the O.C.G.A.; to reenact the statutory portion of the O.C.G.A., as amended; to provide for necessary or appropriate revisions and modernizations of matters contained in the O.C.G.A.; to repeal portions of the Code and Acts amendatory thereof which have become obsolete; to delete portions of the Code which have been superseded by subsequent state laws; to provide for and to correct citations in the O.C.G.A. and other codes and laws of the state; to rearrange, renumber, and redesignate provisions of the O.C.G.A.; to provide for other matters relating to the O.C.G.A.; to provide effective dates; to repeal conflicting laws; and for other purposes.

The House has adopted by the requisite constitutional majority the following Resolutions of the House and Senate:

HR 47. By Representatives Keen of the 179th, Richardson of the 19th, Burkhalter of the 50th, Royal of the 171st, Channell of the 116th and others:

A RESOLUTION paying tribute to the memory of a great Georgian, the late Paul D. Coverdell, and naming the Paul D. Coverdell Legislative Office Building in his honor; and for other purposes.

HR 124. By Representative Cheokas of the 134th:

A RESOLUTION recognizing Coach Melvin T. Kinslow on his 70th birthday; and for other purposes.

HR 134. By Representatives Ashe of the 56th, Benfield of the 85th, Porter of the 143rd, Smith of the 70th, Jones of the 44th and others:

A RESOLUTION commending the Women's Sports Foundation and the Atlanta Women's Foundation; and for other purposes.

SR 44. By Senators Douglas of the 17th, Johnson of the 1st, Stephens of the 27th, Hill of the 4th, Thomas of the 2nd and others:

A RESOLUTION commending all Vietnam Era Veterans and their families; to recognize May 4-8, 2005, as the 30th Observance of the Ending of the Vietnam War; and for other purposes.

The following communication was received by the Secretary:

Senator Don Balfour
District 9
453 State Capitol
Atlanta, GA 30334

Committees:

Rules
Appropriations
Education and Youth
Ethics
Health and Human Services
Insurance and Labor

The State Senate
Atlanta, Georgia 30334
February 2, 2005

Frank Eldridge, Jr.
Secretary of the Senate

353 State Capitol Building
Atlanta, GA 30334

Dear Mr. Secretary,

This letter will serve to notify you that I want my name removed from Senate Bill 5, and I withdraw my support from Senate Bill 5.

Please let the record reflect that my support is hereby withdrawn from Senate Bill 5.

Sincerely,

/s/ Don Balfour
State Senate District 9

The following Senate legislation was introduced, read the first time and referred to committee:

SB 111. By Senators Goggans of the 7th, Chapman of the 3rd, Bulloch of the 11th, Pearson of the 51st and Whitehead, Sr. of the 24th:

A BILL to be entitled an Act to amend Chapter 1 of Title 41 of the Official Code of Georgia Annotated, relating to general provisions relative to nuisances, so as to preclude any companion animal establishment from being or becoming a nuisance solely as a result of changed conditions in or around the locality of the establishment; to provide for immunity from civil or criminal actions relating to noise from a companion animal establishment under certain conditions; to exempt certain conduct from changes in certain ordinances, rules, or regulations; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Agriculture and Consumer Affairs Committee.

SB 112. By Senators Goggans of the 7th, Golden of the 8th, Thomas of the 54th, Hill of the 32nd, Stephens of the 27th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 49 of the O.C.G.A., relating to public assistance, so as to establish the Georgia Long-Term Care Partnership Program; to provide a short title; to provide definitions; to provide for the administration of the program; to provide for certain duties and responsibilities; to provide that certain assets of persons not be considered when certain determinations concerning eligibility for Medicaid assistance are made; to provide for criteria for asset disregard; to provide for reciprocal

agreements with other states; to authorize the Department of Community Health and the Commissioner of Insurance to promulgate certain rules and regulations; to provide for certain contingencies; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 113. By Senators Butler of the 55th, Henson of the 41st, Fort of the 39th, Miles of the 43rd, Seabaugh of the 28th and others:

A BILL to be entitled an Act to amend Code Section 46-5-134 of the Official Code of Georgia Annotated, relating to the establishment of the Emergency Telephone System Fund, so as to authorize the use of "911" Emergency Telephone System Fund money to establish and operate a "311" nonemergency phone system; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Regulated Industries and Utilities Committee.

SB 114. By Senators Butler of the 55th, Williams of the 19th, Miles of the 43rd, Weber of the 40th, Jones of the 10th and others:

A BILL to be entitled an Act to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to extend the sunset of certain provisions relating to use of proceeds of a sales and use tax for the Authority; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Transportation Committee.

SB 115. By Senators Butler of the 55th, Williams of the 19th, Miles of the 43rd, Weber of the 40th, Jones of the 10th and others:

A BILL to be entitled an Act to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, to extend until June 30, 2016, the provision that the interest income from certain reserve funds may be used to pay operating costs; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Transportation Committee.

- SB 116. By Senators Mullis of the 53rd, Hamrick of the 30th, Smith of the 52nd, Thomas of the 54th, Heath of the 31st and others:

A BILL to be entitled an Act to amend Chapter 13 of Title 16 of the O.C.G.A., relating to controlled substances, so as to limit the sale and manner of sale of products containing pseudoephedrine; to provide for exceptions; to provide for mitigation of punishment under certain circumstances; to provide for penalties; to restrict the sale, transfer, manufacture, purchase for resale, and furnishing of certain precursor chemicals; to provide for definitions; to authorize the State Board of Pharmacy to promulgate certain rules and regulations regarding precursor chemicals and licenses and permits; to provide for licensing and permitting of persons who sell, transfer, manufacture, purchase for resale, or otherwise furnish or possess precursor chemicals; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes

Referred to the Health and Human Services Committee.

- SB 117. By Senators Heath of the 31st, Kemp of the 46th, Hudgens of the 47th, Bulloch of the 11th, Pearson of the 51st and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to the registration and licensing of motor vehicles generally, so as to provide that any Georgia license plate issued in the year 1970 or before shall be an authentic historical Georgia license plate; to authorize the display of such license plates on certain motor vehicles; to provide for certain computerized information; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

- SR 78. By Senators Williams of the 19th, Staton of the 18th, Johnson of the 1st and Moody of the 56th:

A RESOLUTION urging the federal Centers for Medicare and Medicaid Services to approve the waivers requested by Georgia to further expand Georgia's self-directed care initiative; and for other purposes.

Referred to the Health and Human Services Committee.

- SR 80. By Senators Thomas of the 2nd, Schaefer of the 50th, Zamarripa of the 36th, Grant of the 25th, Hamrick of the 30th and others:

A RESOLUTION authorizing the granting of nonexclusive easements for operation and maintenance of facilities, utilities and ingress and egress, in, on, over, under, upon, across, or through property owned by the State of Georgia in Baldwin, Banks, Burke, Chatham, Douglas, Fulton, and Newton counties, Georgia; to repeal conflicting laws; and for other purposes.

Referred to the State Institutions and Property Committee.

- SR 81. By Senators Hamrick of the 30th and Seabaugh of the 28th:

A RESOLUTION designating the J. G. McCalmon Highway; and for other purposes.

Referred to the Transportation Committee.

- SR 82. By Senators Goggans of the 7th, Golden of the 8th, Thomas of the 54th, Hill of the 32nd, Stephens of the 27th and others:

A RESOLUTION urging the Congress of the United States to amend Section 1917(b)(1)(C) of the federal Social Security Act by deleting May 14, 1993, as the deadline for approval by states of long-term care partnership plans; and for other purposes.

Referred to the Health and Human Services Committee.

The following House legislation was read the first time and referred to committee:

- HB 95. By Representatives Willard of the 49th and Oliver of the 83rd:

A BILL to be entitled an Act to amend the O.C.G.A., so as to correct typographical, stylistic, capitalization, punctuation, and other errors and omissions in the Official Code of Georgia Annotated and in Acts of the General Assembly amending the O.C.G.A.; to reenact the statutory portion of the O.C.G.A., as amended; to provide for necessary or appropriate revisions and modernizations of matters contained in the O.C.G.A.; to repeal portions of the Code and Acts amendatory thereof which have become obsolete; to delete portions of the Code which have been superseded by subsequent state laws; to provide for and to correct citations in the O.C.G.A. and other codes and laws of

the state; to rearrange, renumber, and redesignate provisions of the O.C.G.A.; to provide for other matters relating to the O.C.G.A.; to provide effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Special Judiciary Committee.

HR 47. By Representatives Keen of the 179th, Richardson of the 19th, Burkhalter of the 50th, Royal of the 171st, Channell of the 116th and others:

A RESOLUTION paying tribute to the memory of a great Georgian, the late Paul D. Coverdell, and naming the Paul D. Coverdell Legislative Office Building in his honor; and for other purposes.

Referred to the Rules Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Agriculture and Consumer Affairs Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 26	Do Pass
SB 87	Do Pass
SB 88	Do Pass

Respectfully submitted,
Senator Bulloch of the 11th District, Chairman

Mr. President:

The Health and Human Services Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 56	Do Pass as amended
SB 77	Do Pass
SB 89	Do Pass

Respectfully submitted,
Senator Thomas of the 54th District, Chairman

Mr. President:

The Higher Education Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SR 33 Do Pass

Respectfully submitted,
Senator Harp of the 29th District, Chairman

Mr. President:

The Special Judiciary Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 97 Do Pass

Respectfully submitted,
Senator Meyer von Bremen of the 12th District, Chairman

Mr. President:

The Transportation Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 4 Do Pass by substitute

Respectfully submitted,
Senator Williams of the 19th District, Chairman

The following legislation was read the second time:

SB 55 SB 68

Senator Seabaugh of the 28th asked unanimous consent that Senator Mullis of the 53rd be excused. The consent was granted, and Senator Mullis was excused.

Senator Golden of the 8th asked unanimous consent that Senator Brown of the 26th be excused. The consent was granted, and Senator Brown was excused.

Senator Carter of the 13th asked unanimous consent that Senator Thomas of the 54th be excused. The consent was granted, and Senator Thomas was excused.

Senator Adelman of the 42nd asked unanimous consent that Senator Thompson of the 33rd be excused. The consent was granted, and Senator Thompson was excused.

The roll was called and the following Senators answered to their names:

Adelman	Hill,Judson	Smith
Bulloch	Hooks	Starr
Butler	Hudgens	Staton
Cagle	Johnson	Stephens
Carter	Jones	Stoner
Chance	Kemp	Tate
Chapman	Me V Bremen	Thomas,R
Douglas	Miles	Thompson,C
Fort	Moody	Tolleson
Golden	Pearson	Unterman
Grant	Powell	Walker
Hamrick	Reed	Weber
Harbison	Rogers	Whitehead
Harp	Seabaugh	Wiles
Heath	Seay	Williams
Henson	Shafer,D	Zamarripa
Hill,Jack		

Not answering were Senators:

Balfour	Brown (Excused)	Goggans
Mullis (Excused)	Schaefer, N	Thomas, D (Excused)
Thompson, S (Excused)		

Senator Goggans was off the floor of the Senate when the roll was called and wishes to be recorded as present.

The members pledged allegiance to the flag.

Senator Meyer von Bremen of the 12th introduced the chaplain of the day, Reverend Annanis Hopkins of Baconton, Georgia, who offered scripture reading and prayer.

Senator Wiles of the 37th introduced the doctor of the day, Dr. Samuel Gilbert.

The following resolutions were read and adopted:

SR 73. By Senator Rogers of the 21st:

A RESOLUTION commending Myrtle W. Figueras; and for other purposes.

SR 74. By Senator Rogers of the 21st:

A RESOLUTION celebrating the birth and the christening of Lily Anne Carras; and for other purposes.

SR 75. By Senators Rogers of the 21st and Stephens of the 27th:

A RESOLUTION commending Shirley Morris; and for other purposes.

SR 76. By Senators Rogers of the 21st and Stephens of the 27th:

A RESOLUTION commending James J. "J. J." Biello; and for other purposes.

SR 77. By Senator Schaefer of the 50th:

A RESOLUTION commending Chris Yearwood for winning the National Small Animal Production and Care - Entrepreneurship Proficiency Award at the 77th National FFA Convention; and for other purposes.

SR 79. By Senator Shafer of the 48th:

A RESOLUTION commending Collin Rose; and for other purposes.

SR 83. By Senator Whitehead, Sr. of the 24th:

A RESOLUTION congratulating the 2004 Greenbrier High School Softball Team, winners of the Class AAAA State Championship; and for other purposes.

HR 124. By Representative Cheokas of the 134th:

A RESOLUTION recognizing Coach Melvin T. Kinslow on his 70th birthday; and for other purposes.

HR 134. By Representatives Ashe of the 56th, Benfield of the 85th, Porter of the 143rd, Smith of the 70th, Jones of the 44th and others:

A RESOLUTION commending the Women's Sports Foundation and the Atlanta Women's Foundation; and for other purposes.

Senator Seay of the 34th recognized representatives of the American Heart Association, commended by SR 46, adopted previously.

Senator Hill of the 4th recognized Dr. Jackie Griffin representing Georgia's Community Health Centers, commended by SR 66, adopted previously.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has adopted by the requisite constitutional majority the following Resolution of the House:

HR 143. By Representatives Richardson of the 19th, Burkhalter of the 50th, Keen of the 179th, Fleming of the 117th and Burmeister of the 119th:

A RESOLUTION recognizing February 6 as "Ronald Reagan Day" in the State of Georgia; and for other purposes.

Senator Stephens of the 27th moved that the Senate stand adjourned, pursuant to HR 68, until 1:00 p.m. Monday, February 7, 2005; the motion prevailed, and at 11:11 a.m. the President announced the Senate adjourned.